Scott 11-27—15,004—22-8-46

REVENUE **(194 6) Department.**

MS **SERIES**

G.O. NO. 2524

Dated 12th November 1946

[Despatch Abstract.]

Land - (South Kanara) - Mangalore taluk - Pilathabettu village S. No.20/5 - Acquired for old Pilathabettu Police Station - Restoration to the original owner - Defects in procedure - Ratification Orders passed.

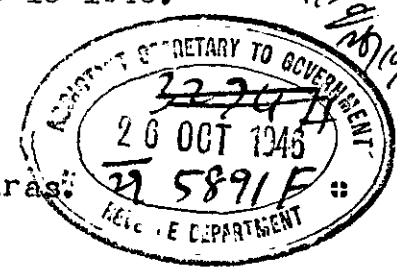
REVENUE DEPARTMENT.

Subject.

Land- South Kanara District--Mangalore Taluk--Pilathabettu village S.No. 20/5--Acquired for old pilathabettu police station--Restoration to the original owner--Defects in procedure--Ratification--Requested.

Ref:B.3995/46.

STATION: Madras. Dated 22-10-1946.



From

G.Venkateswara Ayyar, O.B.E., I.C.S.,
Secretary, Board of Revenue, Madras.

S.Ranganathan Esqr, O.B.E., I.C.S.,
Commissioner of Land Revenue, and Commercial Taxes.

READ: From the Collector of South Kanara, Mangalore, Ref:C. No.5592-46-B5.

REFERENCE:

Submitted to the Government.

2. The Board requests that the Government may be pleased to ratify the reassignment of S.No. 20/5 of Pilathabettu village made in favour of Sri. Srinavas Baliga without holding public sale, as required under the rules, in view of the ... that even if the sale in auction was held at first, proposed assignee who is both the heir of the original owner and the adjacent land holder would have claimed the land and it would have been sold to him privately.

For Secretary.

To

The Secretary to the Government,
Revenue Department with a copy of the Collector's letter and the enclosures.

M.A. 22/10

Ref.C No. 5592-46-B5. South Kanara Collector's Office, Mangaloro, dated 5- 9- 1946.

From
S. Bhoothalingam, Esq., O.B.E., I.C.S.,
Collector of South Kanara, Mangalore

To
The Secretary to Government, Revenue Department:
Madras.

Through,
The Secretary to the Board of Revenue, Land Revenue,
and Irrigation, Madras.

Sir,

LAND : South Kanara District - Mangalore Taluk - Pilathabettu Village - S.No. 20/5 - Acquired for old Pilathabettu Police Station - Restoration to the original owner - defects in procedure - ratification - requested.

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The land, S.No. 20/5 of Pilathabettu Village, which was acquire for the old Police Station at Pilathabettu and which was found no k longer required for the purpose was reassigned by the Revenue Divisional Officer, Mangaloro , in his proceedings Ref.B. 2647-45 dated 23-8-45 to Srinivas Baliga, the Successor in title of the original owner Laxmana from whom the plot was originally acquired A sum of Rs 324-12-11 was levied towards the value of the land and the improvement thereon. While taking action for the transfer of the plot from Poramboke to Ayan and the issue of a title deed the reassignee, it was found out that the procedure adopted by the Revenue Divisional Officer, in reassigning the plot was opposed to the instructions contained in B.S.O. 90-32 (IV & V) as modified by correction slips No. 161, dated 13-8-40 and 220, dated 11-6-1945, and that he had no power to order the reassignment. He has therefore recommended the cancellation of his re-assignment order.

2. Thereupon, I issued a notice to the assignee, Srinivas Baliga, to show cause why the assignment ordered by the Revenue Divisional Officer, should not be cancelled as it was irregular. He represents that he is the successor in title of the original owner of the plot and that he is also the owner of the adjacent plots the enjoyment of which will be affected if the plot S.No. 20/5 is assigned to any body else. He adds that he has effected further improvement at a cost of about Rs 375/- on the plot after it was reassigned to him and requests that the irregularit in the order of the Revenue Divisional Officer may be got ratified.

3. The enclosed sketch will show that the owners of the adjacent property are himself and one Nagaraja Hegde. The adjace plots owned by Nagaraja Hegde are S.Nos 15/15 and 4 A. He has deposed before the Revenue Inspector Buntwal on 6-8-46 that the enjoyment of his adjacent property will not be interfered with in case S.No.20/5 is assigned to Srinivas Baliga who is the owner of the adjacent plot S.No. 20/7 and that he has no objection to granting S.No.20/5 to Srinivas Baliga.

4. Under B.S.O.90-32 -IV (i) (currection slip 220, dated -6-45) the plot should have been notified for sale in public auction. But the S.O. stipulates that if at the time of sale any body puts forth his claim either as an adjacent owner or original owner the sale has to be stopped and the claim investigated and disposed of in the manner specifed in sub clause (2) and (3) of B.S.O. 90-32-IV. The plot will therefore go to Srinivas Baliga on payment of market value under B.S.O. 90-32-IV (2) and (3) even if its assignment by the Revenue Divisional Officer is cancelled and its sale by public auction is notified. It will, therefore be superfluous to cancel the assignment

and go through the formal procedure only to achieve the same result. I recommend that the Government may be pleased to ratify the reassignment of S.No. 30/5 of Pilathabettu Village to Srinivas Baliga ordered by the Revenue Divisional Officer, Mangalore in his Ref.C.No. 2647-45, dated 22-8-45 on payment of Rs 324-12-11 which has already been collected.

5. An eye sketch in duplicate, petition of Sri Srinivas Baliga dated 11-7-46, statement of Nagaraja Hegde dated 6-8-46 and Mangalore Revenue Divisional Officer's file R.Dis 2647-45, dated 21-9-45 are enclosed for reference and return.

(L)

For Collector.

5.9.46

To

The Collector of South Kanara District,
M A N G A L O R E .

Petition from:- Sri, B. Srinivas Baliga,
Retired District Board
Engineer, MANGALORE.

Sir,

In notice dated 16-6-46, I beg to represent as follows:-

The notice calls on me to show cause against the cancellation of the R.D.O.'s order directing reassignment to me of S.No.20/5 of Pilathabettu Village. My case is governed by the correction slips 161/13-8-40 and 220/ 17-6-45 and K.B.S.O.90 quoted in the order. The latter slip recognizes the claim of the adjacent owner and original owner to preferential treatment. By providing for the claim of such persons being ~~[illegible]~~ that at the time of sale, the D.S.O. does not prohibit such claims being prefered or investigated earlier. If any thing, it is a provision intended to protect the interest of the claimant in as much as it provides for full publicity and allow the claimant to prefer his claim even at the last moment. As it was, my claim ~~is~~ was actually prefered on the eve of a proposad public auction which was stayed in conveyance and the plot sold to me privately at the market value. I mention this because my claim has been already prefered and admitted after due investigation. The disposal of my claim is thus governed by sub-clause 3 contained in the correction slip 161. Under the provision of this sub-clause the land should be offered to me as I am both the owner of the plot and the adjacent land. I may also submit that the possession of the plot by any other person then the adjacent owner, that is myself, would interfere with full enjoyment by me at the adjacent property and through which the way out lies for the occupants of the plot. The sale is thus in accordance with the spirit of the B.S.O. and need not, I submit, be disturbed. In the circumstances stated above I request that the reassignment x

B Srinivas Baliga

of the plot to me may be allowed to stand, since it would be clear from the fore-going that there are no sufficient grounds to reopen this question. It is only necessary to add that on the plot being sold to him the petitioner effected improvements such as laying cement concrete for the floor and putting up a wooden frame work for the varenda at a cost of about Rs.250. A well has also been sunk at a cost of about Rs.125. All this was done on the assuarance that a title deed would be granted to the petitioner as a matter of course. It will thus be seen from the for-going that the reassignment to the petitioner is in accordance with the spirit of B.S.O., he being both the original owner and the adjacent ~~owner~~land-holder. Petitioner begs respectively to submit that even if there be any irregularity from the departmental point of view the proper course would be to over-look at and ratify the grant. Having regard to all the facts stated above and to the comparitively trivial nature of the issue at stake and having regard also to the fact that no party has suffered in the transaction which was the result of a bonafide belief on either side. It may be kindly considered whether the prestige of Government would not be better served by confirming the reassignment. The petitioner prays in conclusion that he may be granted a formal Patta for the land which once belonged to him before it was compulsorily acquired and of which he has been in actual ~~by~~ possession as a perchas

Falnir
Mangalore
11.7.1946

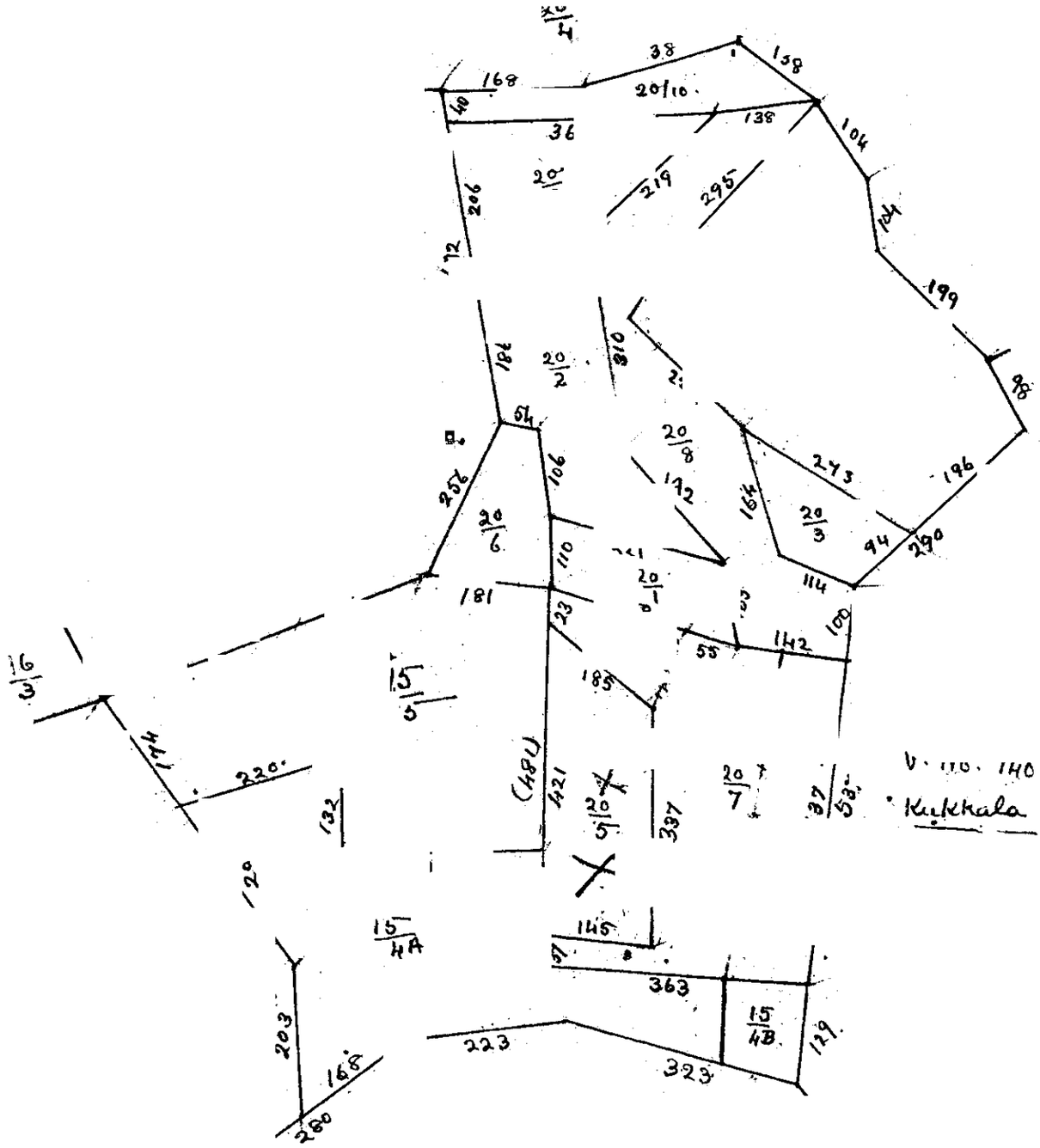
I beg to remain,
Sir,
Your obedient servant,
P Srinivasa Bolja

District - D. Kanara

Taluk - Mangalore

Village { No / Name

Scale - 1/2 inch = 1 chain.



Index

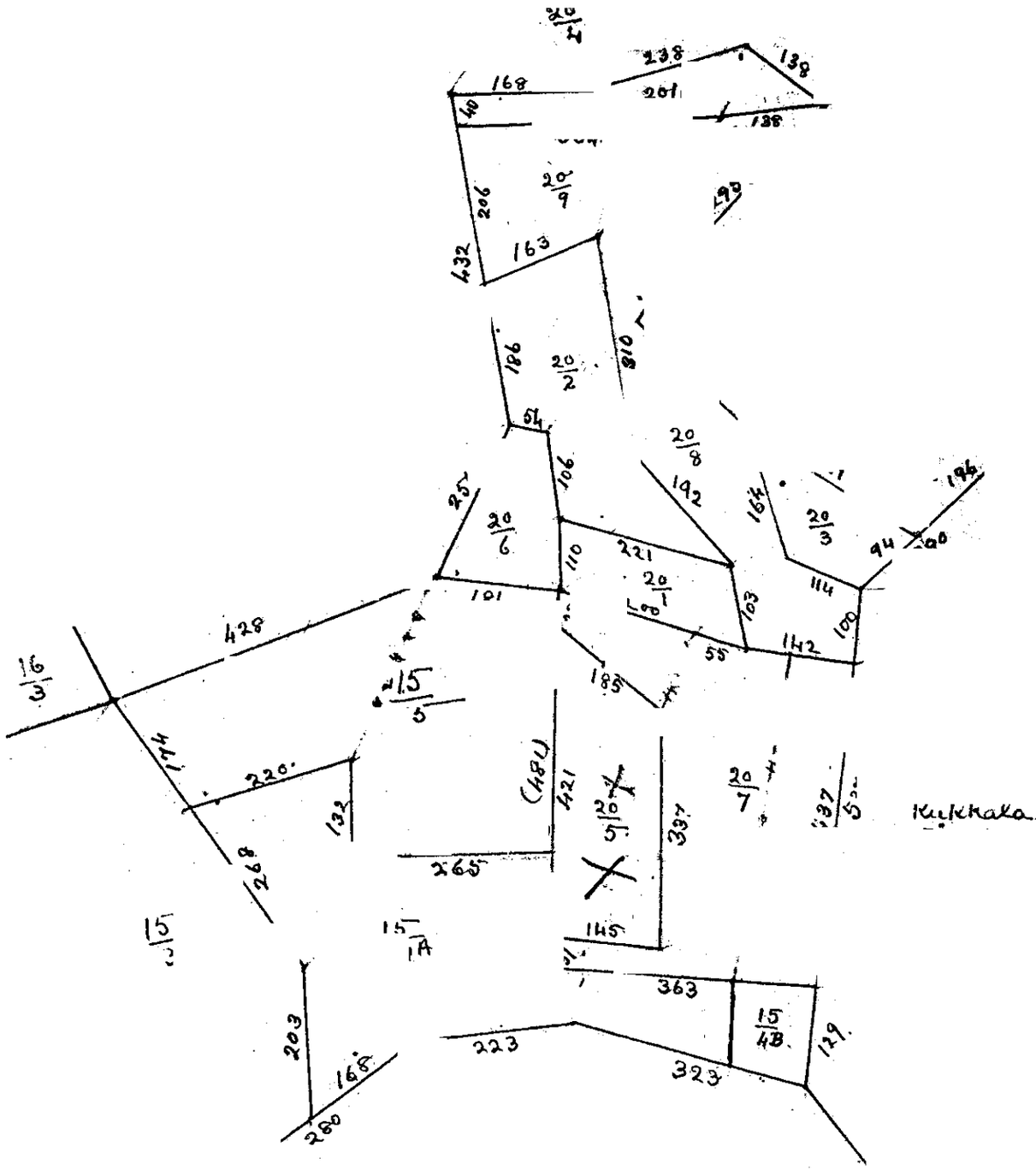
Survey No.	Sub Div.	Hissa	Khad or Hissa	Particulars
20	8	Khad	8	Ramanna Ravamma & —
	9			
	10			Dr. Channil
	11	Khad	1	Srinivasa Uraya
	6	Hissa	8	Ramanna Radamba
16	3	Khad	6	Ramanna Bolya
6				Dr. to Road Mangalore — Charmadi

Dr. Old Police Station

1	Khad	7	Srinivasa Baliga
2			

District - D. Kanara
Taluk Mangalore

Scale - 1/2 inch = 1 chain

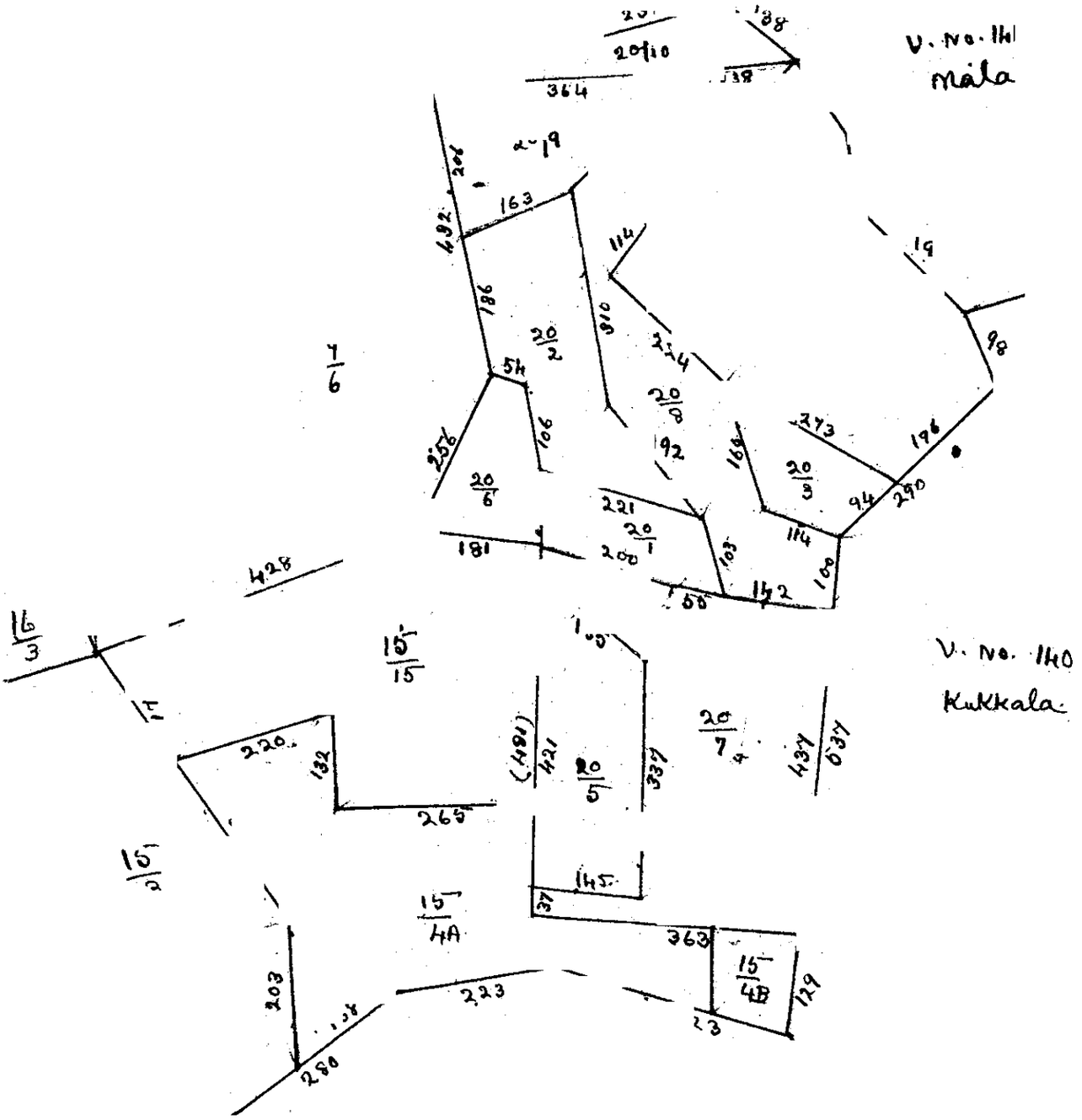


District – ~~S~~ Kanara

Taluk – Mangalore

Village – No Name – Pillalli alias

Scale – 1/2" = 1 chain



ತಾ.6-9-46ರಲು: ಬಂಟ್ವಾಳ ತಿವೆನು ಪಿಮೆ ಪಿಕಶರರು ವಿಚಾರಿಸಿ ಬರಕೊಂಡದ್ದು -

ಬಂಟ್ವಾಳ ಪಿಜ್ಞಿ ತಹಶೀಲ್ದಾರರ ಸಾರ್ಕ್. 1656-46/ಎ2-46 ನೇ ಹುಕುಂನಳ
ತಿಯೊಳಿಸಿದ ದಿಕ್ಕೆಚ್ಚು ಸಿಯಿದೆ. ವಿಟ್ಲ ಪಟ್ಟಣ ಗ್ರಾಮದ ಸ.ನಂಬ್ರ 20/5 ನೇ
ನ್ಯಕ್ಷರವು ರ್ಯಾ ಮೊಲ್ಲನ ಪ್ರೈಕ್ಷರಾದ ಭಗ್ಯ ಎಚ್ಚಾಯಂ ಇವರು ನ್ಯಕ್ಷವಾಗಿರು
ನದ್ರಿ ನ್ಯಕ್ಷದ ಪಶ್ಚಿಮ ಮೂಲ್ಯ ವಿಪ್ಪಿಣಾದಲ್ಲಿರುವ ಸ.ನಂಬ್ರ $\frac{15}{15}$ ಮತ್ತು $\frac{15}{4A}$ ಅನ್ನು ನ
ಪಟ್ಟೆ ನ್ಯಕ್ಷವಾಗಿರುತ್ತದೆ. ಸ.ನಂಬ್ರ 20/5ನ್ನು ನಲಿ ನ್ಯಾಯ ಮಾಡಲಿನ ಪಕ್ಷಾದಾರರ
ಸಕ್ಷ್ಮ ದಾರರಾದ ಶೀನಿವಾನ ಭಂಡಾರಿಯ ಪೊಟ್ಟಿಲ್ ಅವರಲ್ಲಿ ನನ್ನ ಅಭಿಪ್ರಾಯ
ಪ್ರಶ್ನೆಕ್ಕೆ ಕೊಂದರಂಯಿಲ್ಲವಾದುದರಿಂದ ಸ.ನಂಬ್ರ 20/5ನ್ನು ಶೀನಿವಾನ ಭಂಡಾರಿ
ಪೊಟ್ಟಿಲ್ ಅವರಲ್ಲಾ ನನ್ನ ಅಭಿಪ್ರಾಯವಿಲ್ಲ ಎಂದು ಸ್ಥಳದಲ್ಲಿ ಬರೆದು ಸಹಿ ಮಾಡಿದೆ.

ತಿ ಗಾ ಶೀನಿವಾನ ಭಂಡಾರಿ ಪೊಟ್ಟಿಲ್

Before me
6-9-46
T. Bantwal

24/12/11

CNO. 58913/44

13/11

North's Sri

Sale:- Land -- (South Kanara) -- Mangalore taluk -
Pilathabettu village -- S. No. 20/5 -
Required for old pilathabettu police
Station -- Restoration to the original
owner -- Defective procedure -- Ratification.
Orders passed

"

From the Bd. of Rev. B. 3995/46 D/22.10.46

"

G.O.Ms.No. 2526 Dt 12/11/66

In the circumstances stated by
the Bd. of Rev, the action of the
Revenue Divisional officer,
Mangalore in having reassigned
S. No. 20/5 of ~~Pat~~ Pilathabettu Village
Mangalore taluk, South Kanara Dt

dil favaur of Sri Srinivasa Baliga
with out holding a public Sale
as required by the rules, if
is approved.

5-11-46

7/11/46.

8/11/46

To The Ld. of Rev.
(with R.Dr. 2647-6
dt 21.9.45 (L).

13.11.46